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8 *Attorneys for Defendant Liberty Insurance Underwriters*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 MARTIN S. ROOD,  
12 Plaintiff,  
13 vs.  
14 LIBERTY INSURANCE UNDERWRITERS,  
15 INC., a Stock Insurance Company, a/k/a/  
16 Liberty Mutual Group; DOES 1 through 5,  
and ROE CORPORATIONS 1 through 5,  
17 Defendant(s).

Case No.: 2:16-cv-002586-JAD-NJK

**STIPULATION AND ~~(PROPOSED)~~  
ORDER TO EXTEND DISCOVERY  
DEADLINES**

**(Third and Final Request)**

18 Plaintiff, Martin S. Rood ("Plaintiff"), and Defendant, Liberty Insurance  
19 Underwriters, Inc. ("Defendant"), by and through their respective attorneys of record,  
20 respectfully submit the following Stipulation and [Proposed] Order requesting to extend  
21 the discovery deadline by Sixty (60) days of the current scheduling order deadlines.  
22 This is the parties' third and final request for an extension of the deadlines in this case.

23 I. **INTRODUCTION.**

24 On December 29, 2017, the Court entered a Stipulation and Order to Extend  
25 Discovery Deadlines (Second Request); (ECF No. 21) filed by the parties. The  
26 Stipulation and Order set the following dates:

27 (a) Discovery Cut-off: April 2, 2018

28 (b) Final Date to File Dispositive Motions: May 7, 2018 (May 5, 2018 falls on a

1 Saturday)

2 (c) Pretrial Order: June 7, 2018 (not later than 30 days after the date for  
3 dispositive motions, unless dispositive motions are filed).

4 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

5 Pursuant to the requirements of LR6-1 and LR26-4, the parties provide the Court  
6 with the following information in support of their stipulation to extend discovery.

7     *A. Discovery Completed.*

- 8       1. Initial Disclosure served by Plaintiff and Defendant;
- 9       2. Written Discovery (Interrogatories, Requests for Admissions, and  
10              Requests for Production of Documents) propounded by Plaintiff and  
11              responded to by Defendant.
- 12       3. Written Discovery (Interrogatories, and Requests for Production of  
13              Documents) propounded by Defendant and pending response by Plaintiff.

14 **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE  
15              COMPLETED.**

16     The parties have completed written discovery and are finalizing efforts to take  
17     depositions of out-of-state witnesses. The parties have also engaged in settlement  
18     discussions and want to continue such discussions in light of the expense of additional  
19     discovery and trial preparation.

20     *B. Reason Why Discovery Has Not Been Completed.*

21     The parties need additional time to take depositions of out-of-state witnesses and  
22     have engaged in settlements in light of completed discovery and final trial preparations.  
23  
24     The parties will not seek further extensions absent compelling cause.

25 **IV. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE COMPLETED  
26              WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER.**

27     Extending the discovery process will provide sufficient time for the parties to  
28     serve notice and conduct appropriate depositions, including Defendant's out-of-state

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1       witnesses from New York for whom previous deposition notice has resulted in conflict of  
2       schedules.

3                  Pursuant to LR 26-4, herein parties aver that in view of the possibility of  
4       settlement of this case, there is good cause to extend discovery deadlines in this matter,  
5       to enable both parties to complete the whole discovery process, and/or to assess and  
6       finalize settlement of this case.

7                  The parties therefore respectfully request to extend the discovery deadline by  
8       sixty (60) days of the discovery order for the above good reasons shown. This extension  
9       is not intended to delay the progress of this case, is the final and last request for  
10      extension, and is expected to allow the parties to complete the entire discovery process  
11      or settle the case.

12      **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

13                  The parties agree that discovery will be extended sixty (60) days from the  
14      Stipulation and Order, and the deadlines will be extended as follows:

- 15                  A. Close of Discovery: June 1, 2018.  
16                  B. Final Date to File Dispositive Motions: July 6, 2018.  
17                  C. Pretrial Order: August 6, 2018 (August 5, 2018 is a Sunday)

18      **VI. CURRENT TRIAL DATE.**

19                  There is no trial date scheduled as of yet.

Dated this 23 <sup>rd</sup> day of March, 2018  SJ LAW  By: <u>/s/ Spencer M. Judd</u> Spencer M. Judd, Esq. 325 So. 3 <sup>rd</sup> Street, #5 Las Vegas, Nevada 89101 Attorneys for Plaintiff	Dated this 23 <sup>rd</sup> day of March, 2018  LIPSON NEILSON P.C.  By: <u>/s/ David A. Clark</u> David A. Clark Eric N. Tran, Esq. 9900 Covington Cross Dr., Ste.120 Las Vegas, Nevada 89144 Attorneys for Defendant Liberty Insurance Underwriters
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*Rood vs. Liberty Insurance Underwriters*  
Case No.: 2:16-cv-002586-JAD-NJK

## **NO FURTHER EXTENSIONS WILL BE GRANTED.**

## **ORDER**

IT IS SO ORDERED.

DATED: March 26, 2018

**UNITED STATES MAGISTRATE JUDGE**

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